

REMARKS

Entry of this amendment under 37 C.F.R. §1.116 is respectfully requested because it cancels a claim and complies with matters of form set forth by the Examiner in a previous office action.

Applicants thank the Examiner for the thorough examination of the application. The amendments to the specification correct minor errors. No new matter is believed to be added to the application by this amendment.

Status of the Claims

Upon entry of this amendment, claims 1-8 and 10-14 are pending in the application. Claims 1-9 and 11 have been allowed by the Examiner. Claim 9 has been cancelled as being a duplicate of claim 8. The amendments to claims 10, 12, 13 and 14 improve their language.

Objection to the Specification

The Examiner requires the specification to be written in "full, clear, concise and exact terms." The specification, as amended, is written in "full, clear, concise and exact terms."

In considering the specification, the Examiner is respectfully requested to consider the following points:

i) The units for the ratios of solvents used in chromatography eluents is well known to those of ordinary skill to be in volume:volume (v:v) proportions. As a result, the units do not need to be explicitly stated.

ii) In Table 2, it is clear from the structures that the acid in the 3-position should be "glucouronic acid" and not "gluconic acid."

iii) In paragraph 5 of the Office Action mailed November 13, 2002, the Examiner challenged the concept of "frozen dry powder for injection" at page 9 of the specification. However, freeze drying or lyophilization is a common technique well known to those having ordinary skill in the pharmaceutical art. For materials volatile to heat and unstable in aqueous solution, it is a preferred method to store the material for a relatively long period. As a result, this utilization of a freeze dried powder for injection preparations is clear.

iv) In paragraph 7 of the Office Action mailed November 13, 2002, the Examiner took the position that "silica gel H" for silica gel should be expressed as a mesh size. Silica gel is generally expressed as a mesh size. Silica gel H, however, has a clear meaning. A routine internet search will reveal a plethora of items referring to "silica gel H'" which is a special type of silica gel that is usually used in thin layer chromatography. Silica gel H

has no binder. In comparison, silica gel G has a binder, which is gypsum (G).

Rejection Under 35 U.S.C. §112, First Paragraph

Claim 12 is rejected under 35 U.S.C. §112, First Paragraph as not being enabled. Applicants traverse.

The Examiner acknowledges that the specification is enabling for treating diseases such as hyperglycemia, hyperlipidemia and platelets aggregation. The Examiner, however, asserts that the specification is not enabling for the prevention of the aforesaid diseases. However, one having ordinary skill would be enabled by the specification to practice the prevention of the aforesaid diseases without undue experimentation.

However, in order to expedite prosecution of the application, claim 12 has been amended so as not to recite the prevention embodiment of the invention.

This rejection is accordingly overcome and withdrawal thereof is respectfully requested.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 10, 13 and 14 are rejected under 35 U.S.C. §112, Second Paragraph as being indefinite. Applicants traverse.

The claims, as amended, are clear, definite and have full antecedent basis. Regarding claim 13, the term "ointment" has been replaced with the term "paste," which most closely corresponds to the original meaning in Chinese.

This rejection is accordingly overcome and withdrawal thereof is respectfully requested.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Reg. No. 42,593 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of one (1) month to October 30, 2003 in which to file a reply to the Office Action. The required fee of \$110.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

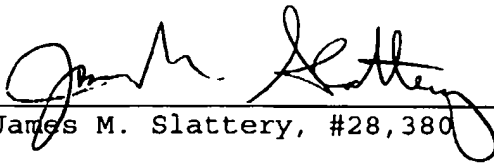
Appl. No. 09/913,322


required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


James M. Slattery, #28,380


JMS/REG/bsh
1624-0132P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000